IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 378 OF 2003

Shri Yeshwant Fondu Lawande,
s/o Fondu Lawande, age 30,
occupation service, r/o
H. No. 226, Marcel, Ponda,
Goa. ... Petitioner

Versus

1. Shri Manjunath Ratnappa
Ganegiri, s/o Ratnappa
Ganegiri, occupation driver
and owner of Pick-up No.GA-02/GDR
4718/V, r/o Mrutyunjay Nagar,
Zaveri Peth, Dharwar,
Karnataka State, and

2. United India Insurance
Company Ltd., Dharwar,
Karnataka State. ... Respondents.

Shri N. K. Sawaikar, advocate for the petitioner.

CORAM : F. I. REBELLO, J.

DATE : 7th August, 2003

ORAL JUDGMENT

Rule. Heard forthwith. Notice on respondents dispensed with considering the order to be passed.

2. A claim petition was filed by the petitioner herein. The vehicle which according to the petitioner caused the accident at the relevant time had a temporary registration no.GA-02-GDR-4718-V which was the number known to the petitioner then. The same vehicle was thereafter registered in the State of Karnataka under No.KA-25-5518. The matter is proceeding ex parte against the owner. Application for amendment was taken out by the petitioner to

incorporate the new registration number as objection had been raised by the respondent no.2, the Insurance Company. That application has been rejected on the ground of delay, as also an application for production of documents issued by the State of Karnataka. The document would be in the nature of a public document and, therefore, really speaking ought not to have been rejected. Insofar as the amendment application is concerned, it was mainly a formal application and if there was delay no prejudice would have been occasioned to the respondent therein, considering that the vehicle was insured with respondent no.2.

3. The Order of the learned Motor Accident Claims Tribunal clearly, therefore, suffers from error apparent on the face of the record. In the light of that the impugned Order dated 20th March, 2003, is set aside. Application for amendment as also production of documents is allowed. If the respondent no.2 is still aggrieved, liberty to it to apply for recalling of the order.

Rule accordingly with no order as to costs.

F. I. REBELLO, J.

mc.